

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary L. Gastineau

Serial No.: 09/815,589

Confirmation No.: 7446

Filed: March 23, 2001

For: EXCHANGE TRADING OF MUTUAL
FUNDS OR OTHER PORTFOLIO
BASKET PRODUCTS

Examiner: Hani M. Kazimi

Group Art Unit: 3691

Attorney Docket No.: 00322.0007.CNUSO1

PETITION TO EXPUNGE DOCUMENTS UNDER
37 CFR 1.59 (B) AND MPEP 724.05

Mail Stop **Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22315-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.59(b) applicant petitions to expunge the documents electronically filed in the above application on May 1, 2008. A copy of the electronic receipt is attached as reference, and the document indicated as being filed was indicated as an IDS with foreign reference. In the Image File Wrapper of the file in PAIR, the document is labeled as Foreign Reference filed May 1, 2008.

On May 1, 2008, a training session on electronic filing with a practice session was being held in Irvine, California. An Amendment was to be filed electronically in this case the next day, and the training was requested. The training included creating a PDF, attaching documents, and

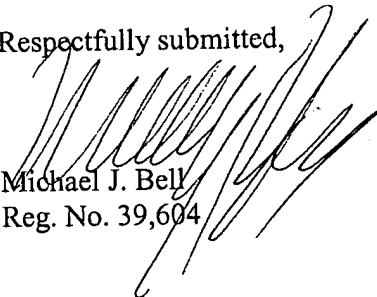
Adjustment date: 07/09/2009 LDIEP1
05/09/2008 INTEFSW 00000977 003038 09815589
01 FC:1464 130.00 CR
07/09/2009 LDIEP1 00000003 003038 09815589
01 FC:1463 200.00 DA

validation with errors, and was provided by Bonita Huber, IP Prosecution Project and Training Manager at Howrey LLP. Inadvertently during this training the above described document, which was a random picked PDF, was inadvertently and incorrectly submitted in this application. It is accordingly requested that the document labeled Foreign Reference and the electronic receipt dated May 1, 2008, be expunged from this application. The EFS Tutorial is used for training purposes, but a hands-on practice was necessary to understand the steps for the trainee.

The Commissioner is authorized to charge this petition to Howrey LLP Deposit Account No. 08-3038 referencing 27.502.7120.000000. Should any additional fees be required for any reason relating to this petition, the Commissioner is authorized to deduct such fees from Deposit Account No. 08-3038.

Date: May 9, 2008

Respectfully submitted,



Michael J. Bell
Reg. No. 39,604